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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,772	10/31/2001	Anand Subramanian	3485/1H799US1	4306
7278	7590	07/13/2005	EXAMINER	
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			ALVAREZ, RAQUEL	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/001,772

**Applicant(s)**

SUBRAMANIAN ET AL.

**Examiner**

Raquel Alvarez

**Art Unit**

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15,16,21,22,27-89 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 15,16,21,22 and 27-89 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This office action is in response to communication filed on 11/15/2004.
2. Claims 15, 16, 21, 22 and 27-89 are pending for examination.

**Claim Rejections - 35 USC § 102**

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 15, 16, 21, 22, 27, 29, 31, 33-35, 37, 38-89 are rejected under 35 U.S.C. 102(b) as being anticipated by Hertz et al. (5,835,087 hereinafter Hertz).

With respect to claims 15, 16, 21, 22, 27-31, 33-35, 37, 40-89, Hertz teaches a system for delivering ads to a user operating a station connected to a distributed computer network (Abstract). An ad server which maintains the ads for the user at the station across the distributed network, the user station allowing the user to retrieve information containing content (col. 55, lines 45-59 and col. 60, lines 10-26); a data store that identifies a set of rules associated with each ad, the rules indicate a level of relevancy of the ad to the content of the information retrieved (col. 55, lines 45 to col. 56, lines 1-47); a match maker that accesses the content retrieved by the user, extracts the content according to its rules, parses the content of the information by objects and targets an ad from the server to the content by applying the rules in the data store, and directly sends the targeted ad to the station for display (col. 55, lines 45 to col. 56, lines 1-47 and 13A-03).

With respect to the level of relevancy of the ad being based on the content of the information retrieved free of information about the user. Herz teaches that the target

Art Unit: 3622

profile for the electronic media is based solely on the frequency with which words appear in an article (col. 6, lines 34-46).

With respect to claim 28, 30, Herz further teaches wherein an advertiser has purchased a right to advertise the targeted ads maintained by at least one of the ad server, an ad network or an affiliate network (col. 15, lines 1-56 and col. 16, line 65).

With respect to claim 38, Herz further teaches parsing the content and mapping the targeted in real time as the user operates at the station connected to the distributed network (i.e. the mapping and display of the advertisements is performed while online)(col. 56, lines 33- 51 and col. 60, lines 10-13).

With respect to claim 39, Herz further teaches that the match maker parses the content and maps to the targeted ad prior to the user operating at the station connected to the distributed network (i.e. the articles content and related targeted ads for those articles are stored prior to the user using the system)(col. 56, lines 52 to col. 57, lines 1-8).

**Claim Rejections - 35 USC § 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 32, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz.

Claim 32 further recites that the performance is measured by click through rates of targeted ads. Official notice is taken that is old and well known in the computer related arts to monitor the amount of click through of an ad in order to measure how effective or attractive is the advertisement being presented. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included measuring the performance by click through rates of the ads in order to obtain the above mentioned advantage.

Claim 36 further recites that the content is classified is related to past consumption by users as a consequence of ads that were received and responded to. Official notice is taken that is old and well known to classify information related to past consumption of prior products or coupons redemption by the consumer in order to better target consequent ads to the users. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included the content being classified is related to past consumption by users as a consequence of ads that were received and responded to in order to obtain the above mentioned advantage.

**Response to Arguments**

6. Applicant argues that Herz doesn't teach determining the level of relevancy of an advertisement based on the content being delivered to a user free of any information

Art Unit: 3622

about the user. The Examiner wants to point out that Herz on col. 6, lines 42-46 clearly teaches a first module, this first module targets the ads solely on the frequency of words that appear on the article.

7. Applicant states that Herz teaches that the search profiles for the users are generated and that the present application does not. The Examiner wants to point out that the reference cited can contain additional teachings, but what is important is that the reference cited teaches at least the features that are claimed. In Herz, a profile for the article is generated and is filtered based on the occurrence/frequency of particular words in the article in order to customize “electronic identification of additional objects” (col. 55, lines 45-67). Herz does take the customization a little bit further by additionally further matching the additional objects to a user search profile. Nevertheless, Herz first generated **target profile** is based on **the words contained in the article**” (col. 55, lines 50-54). The ads or additional content that is going to be presented to the users is based on words frequency presented in the article viewed by the user.

8. Applicant argues that Herz chooses which advertisements are to be displayed beside the content, prior to the user actually viewing the content. The Examiner respectfully disagree with Applicant because Herz chooses the advertisements based solely on the articles that the user chooses to read, therefore the advertisements are displayed after the user selects the article.

9. Applicant is reminded that “Reference disclosure must be evaluated for **all that it fairly suggests** and not only for what is indicated as preferred.≡

*In re Bozek*, 163 USPQ 545 (CCPA 1969).

**Conclusion**

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Point of contact**

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

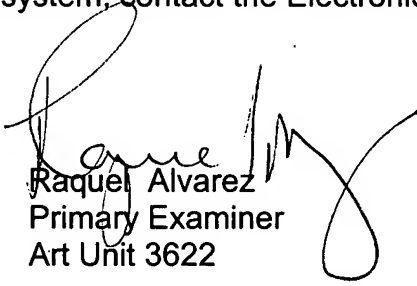
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

On July 15, 2005, the Central FAX Number will change to **571-273-8300**.

This new Central FAX Number is the result of relocating the Central FAX server to the Office's Alexandria, Virginia campus.

Art Unit: 3622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Raquel Alvarez  
Primary Examiner  
Art Unit 3622

R.A.  
7/8/2005